(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

WRIT PETITION NO. 382 OF 2004.

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Shri M.S. Sonak,Advocate for the Petitioner.

Shri S.S. Kantak, Advocate for the Respsondent No.1.

Shri S.R. Rivonkar, Govt. Advocate for the Respondents No.2 to 5.

Shri C.A. Ferreira, Advocate for the Respondents No. 6 and 7.

CORAM : B.H. MARLAPALLE &
N.A. BRITTO, JJ.

DATE : 4th October, 2004.

P.C.

Heard Shri Sonak, the learned counsel for the Petitioner who was the complainant before the Village Panchayat. The relief sought for in this petition is to seek directions against the Respondent No.1 to implement the Order passed by the Director of

Panchayat on 16.1.2004 inasmuch the issue regarding either granting permission for construction or to demolish the same must be decided within a fixed period.

Even by the petitioner's own contentions, he has approached the Director of Panchayat in the decided appeal i.e. Panchayat Appeal No.25/1996 and filed an application on or about 26.7.2004 with almost the same prayer i.e.:- “To fix a period for the performance of the duty in which the Panchayat failed to do as per the said order dated 16.01.2004. “

As the issue is already pending before the authority which has decided the statutory appeal, we do not deem it expedient to entertain this petition and more so, because the respondent No.1 has already been served with the notice in response to the fresh application submitted by the petitioner himself.

We therefore reject the petition

summarily and expect that the Director of Panchayat will dispose of the proceedings arising out of the fresh application filed by the petitioner as expeditiously as possible and in any case within a period of six weeks from today as per the Rules.

B. H. MARLAPALLE, J.

N. A. BRITTO, J.

sl.